

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1266-AIR-E TCEQ ID: RN100981638 CASE NO.: 34378
RESPONDENT NAME: United States Aluminum Corporation - Texas

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Alum Entrance Door Manufacturing, 200 Singleton Road, Waxahachie, Ellis County</p> <p>TYPE OF OPERATION: Aluminum processing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received on February 20, 2007, alleging that the Respondent was not running the thermal oxidizer as required by permit. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 28, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Mr. Bryan Elliott, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6162; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Jason B. Watts, General Manager, United States Aluminum Corporation - Texas, 200 Singleton Road, Waxahachie, Texas 75165 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: February 20, 2007</p> <p>Date of Investigation Relating to this Case: March 13, 2007</p> <p>Date of NOV/NOE Relating to this Case: July 5, 2007 (NOE)</p> <p>Background Facts: This was a complaint investigation.</p> <p>AIR</p> <p>1) Failure to maintain data of daily thinner and cleanup solvent usage. Specifically, the required data was not maintained for xylene and diethylene glycol monobutyl ether for 11 months of 2006, and was not maintained for acetone for all 12 months of 2006 [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review ("NSR") Permit No. 34802, Special Condition No. 9A].</p> <p>2) Failed to comply with permitted emissions limits. Specifically, the Respondent failed to route emissions from the coating line to the regenerative thermal oxidizer ("RTO") which resulted in unauthorized volatile organic compound ("VOC") emissions of 50.75 tons during the year 2006 [30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failed to route emissions from the coating line to the RTO [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 34802, Special Condition No. 3A].</p>	<p>Total Assessed: \$27,900</p> <p>Total Deferred: \$5,580 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$11,160</p> <p>Total Paid to General Revenue: \$11,160</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. On March 28, 2007, submitted the missing daily thinner and cleanup solvent usage data;</p> <p>b. On August 15, 2007, implemented measures which ensured that emissions are being routed to the RTO by maintaining the temperature at greater than 1,400 degrees Fahrenheit; and</p> <p>c. On August 15, 2007, provided paint and solvent usage records demonstrating VOC emissions are being maintained at permitted levels for the coating line and regenerative thermal oxidizer.</p> <p>Ordering Provisions:</p> <p>The Order requires the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

Attachment A
Docket Number: 2007-1266-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	United States Aluminum Corporation - Texas
Payable Penalty Amount:	Twenty-Two Thousand Three Hundred Twenty Dollars (\$22,320)
SEP Amount:	Eleven Thousand One Hundred Sixty Dollars (\$11,160)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Wastewater Treatment Assistance
Location of SEP:	Ellis County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	9-Jul-2007	Screening	18-Jul-2007	EPA Due	
	PCW	18-Jul-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	United States Aluminum Corporation - Texas		
Reg. Ent. Ref. No.	RN100981638		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	34378	No. of Violations	2	
Docket No.	2007-1266-AIR-E	Order Type	1660	
Media Program(s)	Air	Enf. Coordinator	Bryan Elliott	
Multi-Media		EC's Team	EnforcementTeam 4	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 **\$31,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **0% Enhancement** Subtotals 2, 3, & 7 **\$0**

Notes No change due to average performer classification.

Culpability **No** **0% Enhancement**Subtotal 4 **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **10% Reduction**Subtotal 5 **\$3,100**

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes The Respondent came into compliance by August 15, 2007.

Total EB Amounts	\$456
Approx. Cost of Compliance	\$6,000

0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6 **\$0**

SUM OF SUBTOTALS 1-7

Final Subtotal **\$27,900**

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Adjustment **\$0**

Notes

Final Penalty Amount **\$27,900**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$27,900**

DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

20%

Reduction

Adjustment **-\$5,580**

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$22,320

Screening Date 18-Jul-2007

Docket No. 2007-1266-AIR-E

PCW

Respondent United States Aluminum Corporation - Texas

Policy Revision 2 (September 2002)

Case ID No. 34378

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100981638

Media [Statute] Air

Enf. Coordinator Bryan Elliott

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No change due to average performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 18-Jul-2007		Docket No. 2007-1266-AIR-E		PCW																
Respondent United States Aluminum Corporation - Texas		<small>Policy Revision 2 (September 2002)</small>																		
Case ID No. 34378		<small>PCW Revision June 26, 2007</small>																		
Reg. Ent. Reference No. RN100981638																				
Media [Statute] Air																				
Enf. Coordinator Bryan Elliott																				
Violation Number		<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: center;">1</div>																		
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and New Source Review ("NSR") Permit No. 34802, Special Condition No. 9A</div>																		
Violation Description		<div style="border: 1px solid black; padding: 2px;">Failed to maintain data of daily thinner and cleanup solvent usage. Specifically, the required data was not maintained for xylene and diethylene glycol monobutyl ether for 11 months of 2006, and was not maintained for acetone for all 12 months of 2006.</div>																		
Base Penalty				<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$10,000</div>																
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> </tr> </table>					Harm			Release	Major	Moderate	Minor	Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	Potential	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>
		Harm																		
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Actual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																	
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Percent				<div style="border: 1px solid black; padding: 2px; width: 50px; text-align: right;">0%</div>																
>> Programmatic Matrix																				
	<table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td><div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> <td><div style="border: 1px solid black; width: 50px; height: 15px;"></div></td> </tr> </table>					Major	Moderate	Minor	Falsification	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>								
	Major	Moderate	Minor																	
Falsification	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																	
Percent				<div style="border: 1px solid black; padding: 2px; width: 50px; text-align: right;">10%</div>																
Matrix Notes	<div style="border: 1px solid black; padding: 5px; min-height: 40px;">More than 70% of the rule requirement was not met.</div>																			
Adjustment				<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$9,000</div>																
				<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$1,000</div>																
Violation Events																				
Number of Violation Events		<div style="border: 1px solid black; padding: 2px; width: 50px; text-align: center;">1</div>	<div style="border: 1px solid black; padding: 2px; width: 50px; text-align: center;">365</div>	Number of violation days																
<small>mark only one with an x</small>	daily	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>	Violation Base Penalty																	
	monthly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																		
	quarterly	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																		
	semiannual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																		
	annual	<div style="border: 1px solid black; width: 50px; height: 15px;"></div>																		
	single event	<div style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</div>																		
<div style="border: 1px solid black; padding: 5px; min-height: 30px; text-align: center;">One single event is recommended.</div>																				
Economic Benefit (EB) for this violation		Statutory Limit Test																		
Estimated EB Amount		<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$62</div>	Violation Final Penalty Total																	
			<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$900</div>																	
This violation Final Assessed Penalty (adjusted for limits)				<div style="border: 1px solid black; padding: 2px; width: 100px; text-align: right;">\$900</div>																

Economic Benefit Worksheet**Respondent** United States Aluminum Corporation - Texas**Case ID No.** 34378**Reg. Ent. Reference No.** RN100981638**Media Air****Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$1,000	1-Jan-2006	28-Mar-2007	1.2	\$62	n/a	\$62
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for additional oversight and management practices designed to ensure proper record keeping practices are followed. Date Required is the earliest date of noncompliance and Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$1,000

TOTAL

\$62

Screening Date 18-Jul-2007

Docket No. 2007-1266-AIR-E

PCW

Respondent United States Aluminum Corporation - Texas

Policy Revision 2 (September 2002)

Case ID No. 34378

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100981638

Media [Statute] Air

Enf. Coordinator Bryan Elliott

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F) and (c), Tex. Health & Safety Code § 382.085(b), and NSR Permit No. 34802, Special Condition No. 3A

Violation Description

Failed to comply with permitted emissions limits and failed to route emissions from the coating line to the regenerative thermal oxidizer, resulting in unauthorized volatile organic compound emissions of 50.75 tons during the year 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment was exposed to significant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 12

365 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$30,000

Twelve monthly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$395

Violation Final Penalty Total \$27,000

This violation Final Assessed Penalty (adjusted for limits) \$27,000

Economic Benefit Worksheet**Respondent** United States Aluminum Corporation - Texas**Case ID No.** 34378**Reg. Ent. Reference No.** RN100981638**Media Air****Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	16-Jan-2006	15-Aug-2007	1.6	\$395	n/a	\$395

Notes for DELAYED costs

Estimated cost for additional oversight and management practices designed to ensure proper maintenance practices are followed. Date Required is based on the earliest date of non-compliance and Final Date is the date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance****\$5,000****TOTAL****\$395**

Compliance History

Customer/Respondent/Owner-Operator: CN600609754 United States Aluminum Corporation - Texas - Classification: AVERAGE Rating: 2.00

Regulated Entity: RN100981638 ALUM ENTRANCE DOOR MFG Classification: AVERAGE BY DEFAULT Site Rating: 3.01

ID Number(s): AIR NEW SOURCE PERMITS PERMIT 34802
AIR NEW SOURCE PERMITS ACCOUNT NUMBER ED0296F

Location: 200 SINGLETON RD, WAXAHACHIE, TX, 75165 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: July 25, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 25, 2002 to July 25, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Bryan Elliott Phone: 239-6162

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
N/A
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
 - F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
UNITED STATES ALUMINUM
CORPORATION - TEXAS
RN100981638**

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§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1266-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding United States Aluminum Corporation - Texas ("US Aluminum") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and US Aluminum appear before the Commission and together stipulate that:

1. US Aluminum owns and operates an aluminum processing plant at 200 Singleton Road in Waxahachie, Ellis County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and US Aluminum agree that the Commission has jurisdiction to enter this Agreed Order, and that US Aluminum is subject to the Commission's jurisdiction.
4. US Aluminum received notice of the violations alleged in Section II ("Allegations") on or about July 10, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by US Aluminum of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Twenty-Seven Thousand Nine Hundred Dollars (\$27,900) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). US Aluminum has paid Eleven Thousand One Hundred Sixty Dollars (\$11,160) of the administrative penalty and Five Thousand Five Hundred Eighty Dollars (\$5,580) is deferred contingent upon US Aluminum's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If US Aluminum fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require US Aluminum to pay all or part of the deferred penalty. Eleven Thousand One Hundred Sixty Dollars (\$11,160) shall be conditionally offset by US Aluminum's completion of a Supplemental Environmental Project.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and US Aluminum have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that US Aluminum has implemented the following corrective measures at the Plant:
 - a. On March 28, 2007, US Aluminum submitted the missing daily thinner and cleanup solvent usage data;
 - b. By August 15, 2007, US Aluminum had implemented measures which ensured that emissions are being routed to the regenerative thermal oxidizer by maintaining the temperature at greater than 1,400 degrees Fahrenheit; and
 - c. On August 15, 2007, US Aluminum provided paint and solvent usage records demonstrating volatile organic compound ("VOC") emissions are being maintained at permitted levels for the coating line and regenerative thermal oxidizer.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that US Aluminum has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, US Aluminum is alleged to have:

1. Failed to maintain data of daily thinner and cleanup solvent usage, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review ("NSR") Permit No. 34802, Special Condition No. 9A, as documented during an investigation conducted on March 13, 2007. Specifically, the required data was not maintained for xylene and diethylene glycol monobutyl ether for 11 months of 2006, and was not maintained for acetone for all 12 months of 2006.
2. Failed to comply with permitted emissions limits, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on March 13, 2007. Specifically, US Aluminum failed to route emissions from the coating line to the regenerative thermal oxidizer ("RTO") which resulted in unauthorized VOC emissions of 50.75 tons during the year 2006.
3. Failed to route emissions from the coating line to the RTO, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 34802, Special Condition No. 3A, as documented during an investigation conducted on March 13, 2007.

III. DENIALS

US Aluminum generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that US Aluminum pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and US Aluminum's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: United States Aluminum Corporation - Texas, Docket No. 2007-1266-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. US Aluminum shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Eleven Thousand One Hundred Sixty Dollars (\$11,160) of the assessed administrative penalty shall be offset with the condition that US Aluminum implement the SEP defined in Attachment A, incorporated herein by reference. US Aluminum's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The provisions of this Agreed Order shall apply to and be binding upon US Aluminum. US Aluminum is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If US Aluminum fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, US Aluminum's failure to comply is not a violation of this Agreed Order. US Aluminum shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. US Aluminum shall notify the Executive Director within seven days after US Aluminum becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by US Aluminum shall be made in writing to the Executive Director. Extensions are not effective until US Aluminum receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against US Aluminum in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to US Aluminum, or three days after the date on which the Commission mails notice of the Order to US Aluminum, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

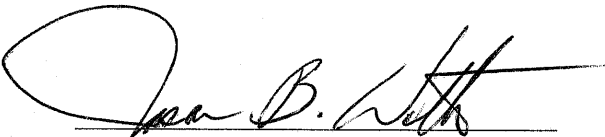
2/6/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

11/09/07
Date

JASON B. WATTS
Name (Printed or typed)
Authorized Representative of
United States Aluminum Corporation - Texas

GENERAL MANAGER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2007-1266-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	United States Aluminum Corporation - Texas
Payable Penalty Amount:	Twenty-Two Thousand Three Hundred Twenty Dollars (\$22,320)
SEP Amount:	Eleven Thousand One Hundred Sixty Dollars (\$11,160)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Wastewater Treatment Assistance
Location of SEP:	Ellis County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

